

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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SANDRA L. WALWORTH,

Plaintiff,

v.

Case No.: 2:05-CV-00689-JPS

HOOTERS OF AMERICA, INC.,

Defendant.

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STIPULATED ORDER

Before the Court is Plaintiff's Motion to Stay Proceedings Pending Arbitration. For the reasons stated below, Plaintiff's Motion to Stay is granted.

As a condition of employment with Hooters of America, Inc., Plaintiff signed an arbitration agreement (the "Arbitration Agreement") under which she agreed to arbitrate "all disputes arising out of or related to [Plaintiff's] application for employment, [Plaintiff's] employment by the Company, or [Plaintiff's] separation from employment with the Company." Plaintiff's causes of action in this case are that she was denied reasonable accommodation in violation of the Americans with Disabilities Act ("ADA"), terminated in violation of the ADA, and denied rights under the Family and Medical Leave Act ("FMLA.") Plaintiff's claims relate to her "employment by" or "separation from employment" with Defendant as the claims arise out of her employment and/or termination from employment.

Accordingly, Plaintiff's claims are covered by the unambiguous scope of the arbitration agreement and thus, pursuant to the requirements of the Federal Arbitration Act ("FAA") which governs this action, must be referred to arbitration.

Accordingly, it is hereby ADJUDGED THAT:

1. The terms of the arbitration agreement between Plaintiff and Defendant require that the parties refer disputes arising out of or related to Plaintiff's employment with Defendant to binding arbitration.

2. Plaintiff's claims under the ADA and FMLA do, in fact, arise out of and are related to her employment and/or separation from employment with Defendant.

3. Plaintiff's Motion to Stay this Action Pending Arbitration is Granted and all claims in the above captioned lawsuit are stayed pending binding arbitration in accordance with the Federal Arbitration Act.

4. Plaintiff shall have sixty (60) days from the entry of this Order to initiate arbitration in accordance with the terms of the Arbitration Agreement.

DONE and ORDERED this 2nd day of August, 2005.

BY THE COURT:

s/J.P. Stadtmueller  
J.P. STADTMUELLER